
Costs Decision

Site visit made on 6 September 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Costs application in relation to Appeal Ref: APP/B5480/D/23/3323983 84 Princes Road, Romford RM1 2SP.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Keith Davison for a full award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of an application for demolition of existing pitched roof outbuilding; single-storey ground floor extension to the rear of the existing dwelling, including internal reorganisation of existing spaces to provide enhanced living / kitchen / dining accommodation; conversion of existing attic space, including introduction of dormer to accommodate 1 no. additional bedroom complete with en-suite; and construction of new single storey outbuilding to rear garden.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. This includes cases where development that should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, has been prevented or delayed.
4. The appellant considers that the Council acted unreasonably in the assessment of the appeal scheme and specifically failed to allow the Appellant the opportunity to amend the application to overcome the concerns and to demonstrate a positive and proactive manner.
5. The Council determined the application within the statutory time period but did not seek any amendments from the Appellant during that time. Whilst noting that the National Planning Policy Framework states that Local planning authorities should approach decision making in a positive and creative way, there is no requirement for amendments to applications to be sought or negotiated on matters which it considers to be unacceptable. The Council was entitled to assess the application as submitted and come to a view as to whether the proposal complied with the policies of the development plan and if not, whether there were any relevant material considerations that indicated otherwise.
6. The officer report cites the relevant policies and guidance. I note that an 'in-person' site visit was not undertaken but that site photos were provided by the

Appellant and other images and aerial views were used to assess the site context. It is not entirely clear why a site visit could not be carried out, but the information provided by the Appellant included reference to and details of the extensions that had been permitted at the adjoining property. The officer report does not make specific reference to these extensions but does refer to 'other box-style rear dormers situated within the surrounding area' when assessing the proposal. It seems to me that the Council properly took into account all relevant matters.

7. Whilst I have come to a different conclusion in respect of the acceptability of the proposal, this involves considerations that are essentially matters of judgement. The Council was entitled to come to its own view in this respect and the officer report sets out clear and detailed reasons to support that conclusion.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P Jarvis

INSPECTOR